

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 590

House Bill No. 554

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as, the "Children's Act for Clean Indoor Air".

SECTION 2. It is the intention of the general assembly that this act reduce the extent to which children are exposed to environmental tobacco smoke in facilities where children's services are provided.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Children" means individuals who have not attained the age of eighteen (18).

(2) "Community center" means any center operated by any city or county government which is used for children's activities.

(3) "Day-care center" means any place, operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under eighteen (18) years of age for group care for less than twenty-four (24) hours per day without transfer of custody.

(4) "Designated smoking area" means an enclosed indoor area or an outdoor area in which smoking is permitted pursuant to this act. If indoors, such smoking area shall be clearly demarcated and separate from any area in which smoking is not permitted, and shall not include more than twenty-five percent (25%) of the area of the building. Such indoor smoking area shall be a fully enclosed area.

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(5) "Group-care home" means a home operated by any person, society, agency, corporation, or institution or any group which receives seven (7) or more children under eighteen (18) years of age for full-time care outside their own homes in facilities owned or rented and operated by the organization.

(6) "Museum" means those museums and art galleries owned or operated by the State of Tennessee or any political subdivision of the State, and those museums, historical societies, and art galleries owned and operated by not-for-profit corporations.

(7) "Residential treatment facility" means a residential treatment facility licensed under Title 33, Chapter 2, Part 5.

(8) "School grounds" means any building, structure, and surrounding outdoor grounds contained within a public or private pre-school, nursery school, kindergarten, elementary or secondary school's legally defined property boundaries as registered in a county register's office, and any publicly owned or leased vehicle used to transport children to or from school or any officially sanctioned or organized school event.

(9) "Smoking" means the burning of a lighted cigarette, cigar, pipe or any other substance containing tobacco.

(10) "Youth development center" means a center established under Title 41, Chapter 5, for the detention, treatment, rehabilitation and education of children found to be delinquent.

(11) "Zoo" means any indoor area open to the public for the purpose of viewing animals.

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SECTION 4. Smoking shall not be permitted and no person shall smoke in the following places:

- (a) child day-care centers, provided, however, the prohibition of this section does not apply to such services provided in a private home. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access;
- (b) any room or area in a community center while such room or area is being used for children's activities. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access;
- (c) group-care homes. Adult staff members may be permitted to smoke in adult staff residential quarters to which children do not have access;
- (d) health care facilities, excluding nursing home facilities. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access;
- (e) museums (except when used after normal operating hours for private functions not attended by children). Adult staff members may be permitted to smoke while at work in designated smoking areas to which children are not allowed access;
- (f) all public and private kindergartens, elementary and secondary schools. Adult staff members may be permitted to smoke outdoors but not within fifty (50) feet of any entrance to any building.

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(g) residential treatment facilities for children and youth. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access;

(h) youth development centers and facilities. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access;

(i) zoos. Adult staff members may be permitted to smoke in designated smoking areas to which children are not allowed access; and

(j) school grounds; provided, however, that smoking by adults be permitted outdoors but not within fifty (50) feet of any entrance to any building or any public seating area.

SECTION 5.

(a) "No Smoking" signs, or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be prominently posted and properly maintained on each main building entrance where smoking is regulated by this act. Such "No Smoking" signs, or "No Smoking" symbols shall be prominently displayed throughout the building to ensure that the public is aware of the restriction.

(b) The following notice shall be prominently posted (including at each ticket booth) for elementary or secondary school sporting events:

Smoking is prohibited by law within fifty (50) feet of any seating area or doorway.

SECTION 6. ENFORCEMENT.

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(a) A person smoking in an area designated as a "No Smoking" area by this act commits a Class C misdemeanor, punishable only by a fine not to exceed fifty dollars (\$50).

(b) An institution violating any provisions of this act or failing to take reasonable measures to enforce this act commits a Class B misdemeanor, punishable only by a fine not to exceed five hundred dollars (\$500).

(c) Any law enforcement officer may issue a citation regarding a violation of this act.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect July 1, 1995, the public welfare requiring it.